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REMARKS

Claims 1-31 are pending in the present application. In the Office Action mailed November 18, 2003, the Examiner rejected claims 1, 3, 4, 7, 8, 17, 18, and 24 under 35 U.S.C. §102(h) as being anticipated by Conway (USP 5,732,401). The Examiner next rejected claims 2, 5, 6, 9, 10, 13-16, 19-23, and 25-31 under 35 U.S.C. §103(a) as being unpatentable over Conway. The Examiner also rejected claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Conway in view of Gidwani (USP 6,640,239).

Claim Objections

Regarding the objection to claim 14 for the informality of calling for "an 'services' tab," as suggested by the Examiner, Applicant has amended the claim to correct the typographical error. Claim 14, as amended, calls for "a 'Services' tab." Accordingly, Applicant believes the objection is traversed.

Background

Before addressing the particular rejections proffered by the Examiner, Applicant wishes to take the opportunity to highlight a fundamental difference between the claimed invention and the system disclosed by Conway. Applicant believes that upon recognizing this fundamental difference the multiple patentable distinctions between the claimed invention and the art of record will be readily apparent.

Conway discloses a system and method for gathering, processing, and storing data in order to track cost of medical procedures. While Conway discloses a system that gathers, processes, and stores a wide variety of data from a medical institution, Conway is clear that the only data extrapolated from the system and provided to a user, i.e. displayed either on a monitor or on a print-out, is "detailed cost information." Col. 4, lns. 64-66. Conway is clear that only "cost figures" and other information specific to tracking and controlling cost are communicated from the system. Col. 25, lns. 1-8. Therefore, Conway does not teach or suggest that any other data is communicated or reported by the system and, therefore, Conway does not teach or suggest any particular manner or means for communicating any information beyond the "detailed cost information."

On the other hand, while the claimed invention also gathers, processes, and stores a wide variety of data from a medical institution, the claimed invention also includes a particular manner and means of communicating information beyond "detailed cost information." That is, the claimed invention includes a GUI specifically tailored to displaying device diagnostic data and

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device reminder data. Not only does Conway not teach any particular GUI for communicating information, Conway does not teach communicating device diagnostic data or device reminder data.

This fundamental difference between a system directed to tracking a variety of information in order to communicate only detailed cost information without concern for how such information is communicated, as in Conway, and a system directed to tracking a variety of information in order to communicate a variety of information via a particular GUI is clearly further illustrated in the Titles and Abstracts of Conway and the claimed invention. Specifically, Conway teaches an "Activity Based Cost Tracking System" while the claimed invention is directed to a "Method and System For Graphically Displaying Consolidated Condition Data For Equipment In A Host Facility." Therefore, it is clear that Conway is focused on only tracking cost without any particular method for communicating the tracked cost while the claimed invention is focused on consolidating condition data for equipment and graphically displaying the consolidated data. With this distinction in mind, Applicant will address the following rejections.

Claim Rejections Under §102(b)

Independent Claim 1

Regarding claim 1, the Examiner asserted that Conway discloses a system that *inherently* "alerts the user to devices requiring immediate attention and of devices requiring routine attention." The Examiner acknowledged that any such alerting of the user is inherent because Conway fails to disclose communicating any such alerts other than to state that "detailed cost analysis information...may be reported to an operator through a display monitor 34 or generated on a printer 36." Col. 4, lns. 64-66. Again, Conway is clear that only "cost figures" and other information specific to tracking and controlling cost are communicated from the system. Col. 25, lns. 1-8. Therefore, the system disclosed by Conway is specifically drawn to tracking cost and not to communicating alerts. *See* Title and Abstract of Conway. Simply, Conway only teaches communicating cost tracking information and does not teach or suggest displaying other alerts via a GUI, as claimed.

Nevertheless, assuming *arguendo* that the system of Conway may inherently be capable of displaying diagnostic data and device reminder data as claimed, Conway does not teach or suggest any particular GUI in which such data could be displayed. Accordingly, Applicant has amended claim 1 to clarify the particular system for managing the diagnostic data and device reminder data and the GUI within which the diagnostic data and device reminder data is displayed.

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As amended, claim 1 calls for "remotely collecting condition data representative of device status for a number of devices utilized in an institution, the condition data segregated into device diagnostic data and device reminder data." Therefore, the condition data collected is segregated into two categories, namely device diagnostic data and device reminder data. Conway fails to teach or suggest any such segregation. Rather Conway teaches that any condition data collected regarding a device status is segregated into a plurality of categories, for example, Room ID 124, Number of Uses 130, Next Maint. Date 139, etc. 116. Conway Fig. 7A.

Additionally, claim 1 calls for "separately displaying and identifying on a graphical user interface (GUI) the device diagnostic data and the device reminder data." Again, Conway does not teach or suggest any particular GUI for displaying information stored within the electronic storage device 32. Further, Conway certainly does not teach or suggest separately displaying the device diagnostic data and the device reminder data. In fact, the system disclosed by Conway teaches away from separately displaying the device diagnostic data and the device reminder data because, as previously shown, Conway does not teach or suggest that the condition data be segregated into device diagnostic data and device reminder data.

For all of these reasons, claim 1 is patentably distinct from the art of record. As such, claims 2-8 are in condition for allowance pursuant to the chain of dependency. However, Applicant will take the opportunity to highlight some of these distinctions, namely, claims 4 and 7. It should be noted that claims 5 and 6 also contain subject matter patentably distinct from the art of record, however, as claims 5 and 6 were rejected under §103(a), Applicant will address those claims under the corresponding section of this Response.

Claims Dependent Upon Claim 1

Regarding claim 4, as shown above, Conway fails to teach any GUI for displaying device diagnostic data and device reminder data. As such, Conway does not teach a GUI including "a reminder profile including a list of devices that require routine attention," as claimed. It appears that the Examiner has mistaken the fact that Conway teaches database-like categories that are designed to store information such as "Next Maint Date" 139 and "Next Maint Time" 143, that Conway also teaches a GUI including a reminder profile including a list of devices that require routine attention. However, this is not the case.

Conway does not teach or suggest that any "reminder profile" is or even can be generated nor does Conway teach or suggest that any reminder profile include a list of devices that require routine attention. It is apparent that the Examiner has mistaken the fact that Conway teaches a system for "cost tracking" with the claimed invention for "graphically displaying consolidated condition data." Therefore, claim 4 is patentably distinct from the art of record.

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Regarding claim 7, the claim further defines the specific method of displaying information within the GUI. In particular, claim 7 calls for "identifying on the GUI a device location within the medical institution" and "displaying on the GUI one of a department and an individual responsible for immediate management and monitoring of the device." Again, Conway does not teach or suggest any particular GUI for conveying any information. Therefore, Conway certainly does not teach or suggest that any GUI include display of a device location within the medical institution or a department and an individual responsible for immediate management and monitoring of the device, as claimed. Accordingly, claim 7 is patentably distinct from the art of record.

Independent Claim 17

Regarding claim 17, the Examiner has failed to show that Conway teaches each and every element of the claim. Claim 17, in part, calls for the "display of the condition data and the reminder data on a refreshable graphical user interface (GUI)." As previously shown, Conway does not teach the display of such information in any GUI. Therefore, since Conway does not teach any GUI, Conway certainly does not teach a refreshable GUI. Furthermore, Conway does not teach or suggest a GUI to display condition data and reminder data. Rather, Conway teaches that only "cost figures" and other information to track and control cost are communicated. Col. 25, lns. 1-8.

Nevertheless, Applicant has amended claim 17 to clarify the invention. Applicant has amended claim 17 to call for, in part, a plurality of devices in a remote medical facility connected to a consolidation facility and a computer programmed to "enable data transmission to the remote medical facility in addition to the display of the condition data and the reminder data on the refreshable GUI." As such, claim 17 is clear that the claimed system is capable of not only receiving data from the remote medical facility but is also capable of transmitting data, other than the display of condition and reminder data, back to the remote medical facility. While Conway does teach receiving data forwarded from a remote medical facility or patient care facility 350, 352 at a central monitoring center 354, Conway does not teach or suggest that the central monitoring center 354 is capable of sending data back to the patient care facilities 350, 352 or that the patient care facilities 350, 352 are capable of receiving data from the central monitoring center 354. Col. 25, lns. 9-32.

Specifically, Conway teaches unidirectional communication from patient care facilities 350, 352 to the central monitoring center 354. Specifically, the two embodiments disclosed by Conway for effectuating communication from the patient care facilities 350, 352 to the central monitoring center 354 are limited to forwarding "cost tracking information" or forwarding mere

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raw tag readings. *Id.* Nowhere does Conway teach or suggest enabling "data transmission to the remote medical facility in addition to the display of the condition data and the reminder data on the refreshable GUI."

For all of these reasons, claim 17 is patentably distinct from the art of record. As such, claims 18-24 are in condition for allowance pursuant to the chain of dependency. However, since claim 18, rejected under §102(b). It should be noted that claims 20-23 also contain subject matter patentably distinct from the art of record, however, as claims 20-23 were rejected under §103(a), Applicant will address those claims under the corresponding section of this Response.

Claims Dependent Upon 17

Regarding claim 18, the claim calls for the computer to be "further programmed to determine a number of devices in need of immediate attention." While Conway does teach a system that includes database entries for tracking information such as "Next Maint Date" 139, "Next Maint. Use" 141, and Next Maint. Time" 143, Conway does not teach or suggest any means configured to determine "a number of devices in need of immediate attention." First, Conway does not teach or suggest utilizing the above cited database entries for anything more than compiling cost tracking data. See Col. 4, lns. 64-66 and Col. 25, lns. 1-8. Second, even if Conway were to provide a means to extrapolate more than cost tracking data from the database, Conway does not teach or suggest any criteria for determining "a number of devices in need of immediate attention." That is, as explicitly explained in the Detailed Description of the Preferred Embodiment Section of the present application, devices in need of immediate attention may include "an indication that a particular device of the medical institution suffered a power failure or an indication that a particular mobile item is out of its allowable range" beyond the fact that devices in need of immediate attention might include a device in need of calibration to ensure proper functioning or a device approaching its performance limit or preventive maintenance schedule date. Application, pg. 19, ¶ 1. As such, claim 18 includes subject matter that is patentably distinct from the art of record above and beyond the chain of dependency.

Claim Rejections Under §103(a)

Before, addressing the claims in detail, the Examiner is reminded that the burden of establishing a *prima facie* case of obviousness falls on the Examiner. MPEP §2142. Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes each and every element of the claimed invention, but also provide "a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Accordingly, in establishing a

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prima facie case of obviousness, the Examiner must at least affirmatively meet three criteria. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

MPEP §2143

Applicant believes that a *prima facie* case of obviousness cannot be made based on the art of record because (1) the references are directed to very different purposes and there is no motivation to combine these references in a way done so by the Examiner, other than Applicant's own teaching; (2) the combination would be unlikely to be successful; and (3) all the elements of the present claims are not present in the references. The Examiner has not established the three basic criteria required under MPEP §2143 and therefore, the Examiner cannot sustain a rejection under §103. Applicant will now address the claims in chronological order.

Claims Dependent Upon Claim 1

Regarding claim 5, the claim, in part, calls for "displaying on the GUI news updates relating to the devices in the medical institutions." The Examiner acknowledged that "Conway fails to teach the step of displaying general remarks and news updates regarding the device." However, the Examiner concluded that because, in his interpretation, the differences "are only found in the nonfunctional descriptive material," the claim elements "do not distinguish the claimed invention from the prior art in terms of patentability." To support this conclusion the Examiner then cited *In re Gulack* and *In re Lowry*. 703 F.2d 1381, 217 USPQ 401 (Fed. Cir. 1983) & 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Before addressing the specific errors of the Examiner's rejection, Applicant encourages the Examiner to locate and read both *In re Gulack* and *In re Lowry*. Specifically, upon even a cursory review of the cited cases, the Examiner will recognize that the current rejection is improper. That is, it appears that the Examiner is attempting to apply the "printed matter rejection" under §103 articulated in *In re Gulack*. 703 F.2d at 1385 n.8. However, *In re Gulack* and *In re Lowry* are both explicit that such rejections should not be used liberally. *Id.* and 32 F.3d at 1584. *In re Lowry* Court chastised the PTO for erroneously applying a "printed matter

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rejection” because “printed matter cases have no factual relevance where ‘the invention as defined by the claims requires that the information be processed not by the mind but by a machine, computer.’” 32 F.3d at 1582 citing *In re Bernhart*, 417 F.2d 1395, 1399, 163 USPQ 611, 615 (CCPA 1969) (emphasis added). Therefore, under both *In re Gulack* and *In re Lowry*, since claim 5 calls for the news updates relating to the devices in the medical institutions to be displayed on the GUI and displaying the GUI requires processing by a computer and not the human mind, the Examiner is “not at liberty to ignore such limitations.” 32 F.3d at 1584.

Simply, contrary to the Examiner’s assertion, claim 5 is distinguishable from the prior art in terms of patentability. That is, the Examiner must afford all of the elements of claim 5 consideration for patentability. Therefore, claim 5 is patentably distinguishable from the art of record above and beyond the chain of dependency because, as acknowledged by the Examiner, Conway fails to teach or suggest the step of “displaying on the GUI news updates relating to the devices in the medical institutions.”

Similarly, regarding claim 6, which calls for “displaying news links to a number of news GUIs configured to display information about one of a device, a device technology, and a device development,” the Examiner must afford these elements patentable consideration. As previously explained, Conway does not teach extrapolating, displaying, or otherwise communicating information other than information specific to tracking and controlling cost. *See* Col. 4, lns. 64-66 & Col. 25, lns. 1-8. Therefore, Conway does not teach or suggest “displaying news links to a number of news GUIs configured to display information about one of a device, a device technology, and a device development.” As such, claim 6 is patentably distinct from the art of record above and beyond the chain of dependency.

Independent Claim 9

Claim 9 calls for a GUI and further defines the elements displayed in the GUI. As previously stated, Conway does not teach any GUIs. Rather, Conway simply states that information to be communicated to an operator may be displayed on display monitor but fails to teach or suggest any method of displaying or particular manner in which to display information. Col. 4, lns 64-66. As such, Conway does not teach or suggest any of the elements called for in claim 9 that define the specific information displayed within the GUI. As such, claim 9 is patentably distinct from the art of record.

However, Applicant has amended claim 9 to further clarify the particulars comprising the GUI. Accordingly, claim 9 calls for the GUI to include three particular sections and defines some of the information included in each section. Specifically, claim 9 calls for “an alert section having a number of alert indicators configured to indicate urgent items relating to a device, a

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reminder section having a number of reminder indicators configured to display scheduled items relating to the device, and a general information section having a number of general information textlinks configured to display product updates and technology news specific to the device." Therefore, Conway does not teach any GUI and certainly Conway does not teach or suggest that any GUI include the specific elements affirmatively called for in claim 9.

Further, though not expressly stated in the rejection of claim 9, it appears that the Examiner may have ignored elements of claim 9 under his misinterpretation of both *In re Gulack* and *In re Lowry*. However, as plainly articulated in both *In re Gulack* and *In re Lowry* and as shown above, such is improper. Simply, the Examiner is not at liberty to ignore claim elements and must consider each and every element of the claims. As such, claim 9 is patentably distinct from the art of record.

Claims Dependent Upon Claim 9

Regarding claim 12, the claim calls for "a number of the alert indicators, a number of the reminder indicators, and a number of general information textlinks are further configured to link a user upon selection to a number of information specific GUIs." Again, as Conway does not teach a GUI of any kind, Conway certainly does not teach or suggest a GUI having a number of indicators and a number of textlinks configured to link a user to other information specific GUIs. As such, claim 12 is patentably distinct from the art of record above and beyond the chain of dependency.

Regarding claim 14, the Examiner once more improperly concluded that, under *In re Gulack* and *In re Lowry*, the Examiner could disregard claim elements because "the names of the tabs constitutes nonfunctional descriptive material." However, as previously shown the Examiner is "not at liberty to ignore such limitations." *In re Lowry*, 32 F.3d at 1584. Therefore, upon proper review of the claim elements, it is clear that claim 14 is patentably distinct from the art of record in that Conway does not teach or suggest a GUI having any such tabs nor such tabs configured to link a user to a number of service GUIs, as claimed. As such, claim 20 is patentably distinct from the art of record above and beyond the chain of dependency.

Claims Dependent Upon Claim 17

Regarding claim 20, the Examiner recognized that "Conway does not teach marketing data, customer-entered data, and messages are consolidated." However, as previously explained in detail, the Examiner improperly concluded that such limitations may be ignored. See *In re Lowry*, 32 F.3d at 1584. Upon proper review and consideration of these elements it is readily apparent the Conway does not teach or suggest that which is claimed. As such, claim 20 is patentably distinct from the art of record above and beyond the chain of dependency.

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Regarding claim 21, the claim calls for the systems to include "network monitoring systems" and "news providing systems." Conway does not teach or suggest any network monitoring systems or news providing systems. However, the Examiner failed to even address these elements. As such, the Examiner has clearly failed to establish a *prima facie* case of obviousness. For all of these reasons, claim 21 is patentably distinct from the art of record above and beyond the chain of dependency.

Regarding claim 23, though the specific elements of the claim were unaddressed, it appears that the Examiner concluded that the Examiner was at liberty to ignore the elements of the claim under *In re Gulack* and *In re Lowry*. However, as previously shown, the Examiner is "not at liberty to ignore such limitations." *In re Lowery*, 32 F.3d at 1584. Therefore, as Conway does not teach or suggest a computer programmed "to display on the GUI general information including industry news, device news, technology news, and news relating to the remote facility," claim 23 is patentably distinct from the art of record above and beyond the chain of dependency.

Independent Claim 25

Regarding claim 25, as previously shown with respect to claims 1, 9, and 17, Conway does not teach any GUI. However, Applicant has amended claim 25 to clarify the claimed invention and to correct a typographical error.

First, Applicant has amended claim 25 to correct a typographical error to clarify that the number of auto-generation data source are "within" a remote facility. Second, Applicant has amended claim 25 to clarify that the acquired manually entered data is acquired from "both the remote facility and remotely from the remote facility." Conway teaches a system where data is acquired at a caregiver monitoring center 354 from patient care facilities 350, 352 but does not teach or suggest that data may be acquired from anywhere other than the patient care facilities 350, 352. Col. 25, lns. 9-32. Therefore, claim 25 is patentably distinct from the art of record.

Newly Added Claims

Applicant has added new claims 32-34 for consideration. Applicant believes claims 32-34 clearly contain subject matter not taught or suggested in the art of record. As such, Applicant believes claims 32-34 are patentably distinct from the art of record.

Drawing Correction

Upon reviewing the Figures in preparation for the current Response, Applicant noticed a typographical error in Fig. 7. Specifically, the "News" group listed as reference numeral 250 in the Specification was shown with reference numeral 50 on Fig. 7. As such, a replacement Fig. 7

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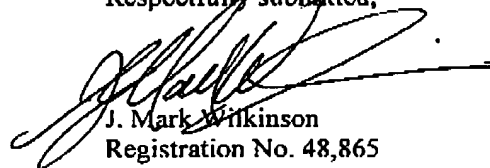
has been included herein to correct the "News" group of Fig. 7 to be shown with reference number 250.

Conclusion

Therefore, in light of the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-34.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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